THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.34950 of 1997

Dated : 09.03.2007

Between:

Vasamsetti Srinivasa Rao S/o Siomhadri
and others.

... **PETITIONERS**

And:

The Land Acquisition Officer and Sub-Collector,
Rajahmundry, East Godavari District and others.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.34950 of 1997

ORDER:

Petitioners claim to be owners of various extents of land in Sy.Nos.500/1, 500/2A and 500/3A of Ramachandrapuram village and Mandal, East Godavari District, having purchased the same in the year 1995, for valuable consideration. While so, the respondents proposed to acquire the said land, and to that effect a notification under Section 4(1) of the Land Acquisition Act, 1895, was issued, and notices were sent to the original owners, fixing the date of enquiry as 26.02.1996. Petitioners allege that by the time the said notification came to their knowledge, the enquiry was completed. Thereafter, they filed W.P.No.5909 of 1996 seeking to quash the notification issued under Section 4(1) of the Act, and the same was disposed of on 26.03.1996

directing the respondents to issue notices to the petitioners and hold a fresh enquiry under Section 5A of the Act. In pursuance thereof, the petitioners were asked to appear before the enquiry officer on 06.06.1996, and the petitioners alleged to have submitted their objections for the acquisition. However, without considering their objections, the first respondent issued declaration under Section 6 of the Act. Aggrieved thereby, the petitioners filed W.P.No.6471 of 1997 and the same was disposed of on 11.04.1997 directing the respondents to comply with the directions of this Court in W.P.No.5909 of 1996 within two months. Consequent thereto, the first respondent issued proceedings dated 13.06.1997 stating that the vendors of the petitioners sold the land in question only to avoid acquisition proceedings, and therefore, in the enquiry it was found that the objections of the petitioners were not genuine, and as such, the draft declaration dated 21.02.1997 was sent to the Collector and it was approved on 22.07.1997 and published in the District Gazette on 27.02.1997. Questioning the same, this writ petition is filed.

A detailed counter has been filed on behalf of the respondents, but no where in the counter it is stated that the Award Enquiry was conducted and the Award was passed under Section 11 of the Act.

This Court, while ordering notice before admission on 11.08.1998 and directing the respondents not to dispossess the petitioners from their respective land, specifically directed that the further proceedings may go on. But, as evident from the counter, the Award is not passed within a period of two years from the date of declaration, and therefore, it shall be construed that the entire proceedings, including the notification issued under Section 4(1) of the Act got lapsed.

Accordingly, this writ petition is allowed. There shall be no order as to costs.

09.03.2007

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